

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 12-cv-00862-WJM-KMT

FIRST MERCURY INSURANCE COMPANY,

Plaintiff,

v.

STEPHENSON CONSTRUCTION, INC.,

Defendant.

FINAL JUDGMENT

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order Granting Plaintiff's Motion For Partial Summary Judgment, entered by the Honorable William J. Martínez, United States District Judge, on September 19, 2012,

IT IS ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 14) is GRANTED. When the remaining claims have been disposed of, the Clerk shall enter judgment in favor of Plaintiff on Count I of its Complaint.

Pursuant to and in accordance with the Stipulation of Dismissal With Prejudice (ECF No. 19), filed on October 8, 2012; and the Text Only Entry (ECF No. 20), entered by the Honorable William J. Martínez, United States District Judge, on October 9, 2012,

IT IS FURTHER ORDERED that Count II of Plaintiff's Complaint is dismissed with prejudice,

IT IS FURTHER ORDERED that Final Judgment is entered in favor of Plaintiff on Count I of Plaintiff's Complaint, pursuant to the Order Granting Plaintiff's Motion For

Partial Summary Judgment dated 09/19/12. Each party is to bear its own costs.

Dated at Denver, Colorado, this 12th day of October 2012.

BY THE COURT:
JEFFREY P. COLWELL, CLERK

By: Edward P. Butler
Edward P. Butler, Deputy Clerk